

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DAWN TARDIBUONO-QUIGLEY, on  
behalf of herself and all others similarly  
situated,

Plaintiff,

v.

HSBC MORTGAGE CORPORATION  
(USA) and HSBC BANK USA, N.A.,

Defendants.

Case No. 7:15-cv-06940-KMK-JCM

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, Declaration of Todd S. Garber and the exhibits thereto, and all papers previously submitted to the Court in the above-captioned action, plaintiff Dawn Tardibuono-Quigley (“Plaintiff”) will move this Court before the Hon. Kenneth M. Karas at the United States Courthouse, 300 Quarropas Street, White Plains, New York 10601, for an Order pursuant to Fed. R. Civ. P. 23(e):

- a. preliminarily approving the class action settlement;
- b. preliminarily certifying the proposed class described in the Stipulation and Agreement of Settlement for purposes of the settlement;
- c. preliminarily designating Plaintiff and her counsel, Finkelstein, Blankinship, Frei-Pearson & Garber, LLP, as Representative of the Settlement Class and Class Counsel for the Settlement Class, respectively;
- d. preliminarily approving the terms of the Stipulation and Agreement of Settlement;

- e. directing that notice be disseminated pursuant to the terms of the proposed notice plan;
- f. finding that such notice constitutes the best notice practicable under the circumstances;
- g. scheduling dates by which the parties and Settlement Class members are to comply with their requirements and obligations as more fully described in the proposed Order filed concurrently herewith; and
- h. setting a hearing date for the final approval of the proposed settlement and an award of attorneys' fees and costs.

Dated: White Plains, New York  
April 25, 2019

**FINKELSTEIN, BLANKINSHIP,  
FREI-PEARSON & GARBER, LLP**

By: /s/ Todd S. Garber  
D. Greg Blankinship  
Todd S. Garber  
Bradley F. Silverman  
445 Hamilton Avenue, Suite 605  
White Plains, New York 10601  
Tel: (914) 298-3281  
gblankinship@fbfglaw.com  
tgarber@fbfglaw.com  
bsilverman@fbfglaw.com